

1 JOSEPH P. RUSSONIELLO (CASBN 44332)
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)
3 Chief, Criminal Division

4 DAVID R. CALLAWAY (CASBN 121782)
5 Assistant United States Attorney

6 150 Almaden Boulevard, Suite 900
7 San Jose, California 95113
Telephone: (408) 535-5596
Facsimile: (408) 535-5066
E-mail: David.Callaway@usdoj.gov

8 Attorneys for Plaintiff

9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No. CR 09-00615 JW
13 Plaintiff,)
14 v.) STIPULATION AND [PROPOSED] ORDER CONTINUING DATE FOR
15 DIANA RIOS,) STATUS CONFERENCE AND EXCLUDING TIME
16 Defendant.) Date: March 1, 2010
17) Time: 1:30 p.m.
18) Before The Honorable James Ware

19 The parties to this case hereby agree and stipulate as follows:

20 WHEREAS,

21 1. The parties are scheduled for their first appearance before the district court at the
22 above date and time, and all parties were fully prepared to appear at the above date and time.

23 2. Both the defendant and her counsel live in New York, however, and, according to
24 defense counsel, blizzard conditions in New York make it improbable that defendant and her
25 counsel would be able to fly out to California this weekend.¹

26 3. Based on his schedule and that of the defendant, defense counsel has requested

27
28 ¹ http://www.wunderground.com/US/NY/New_York.html

1 that the matter be put over to April 12, 2010, a date to which the government does not object.

2 4. The parties therefore agree that the time occasioned by this continuance is
3 excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i) and (iv).

4 **IT IS THEREFORE STIPULATED AS FOLLOWS:**

5 The case should be continued for a further status and setting conference, or disposition, to
6 occur on **Monday, April 12, 2010, at 1:30 p.m.**, before The Honorable James Ware, United
7 States District Judge. The time between February 1 and the above date should be excluded from
8 the Speedy Trial clock for the reasons set forth above.

9 / s /

10 ARNOLD KEITH, ESQ.
11 Counsel for Defendant
12 DATE: February 25, 2010

13 JOSEPH P. RUSSONIELLO
14 United States Attorney

15 / s /

16 DAVID R. CALLAWAY
17 Counsel for Plaintiff
18 DATE: February 25, 2010

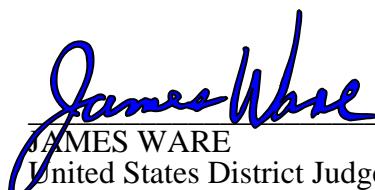
19 **ORDER**

20 Based upon the foregoing Stipulation and good cause appearing therefor,

21 IT IS HEREBY ORDERED that this matter is continued for further status and setting
22 conference, or for disposition, to occur on **Monday, April 12, 2010, at 1:30 p.m.**

23 IT IS FURTHER ORDERED that the time between March 1 and April 12, 2010, shall be
24 excluded from the computation the period within which the trial must commence, for the reasons
25 and based upon the statutory provisions set forth by the parties in the Stipulation. The Court
26 finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial
27 based upon the grounds set forth above.

28 DATED: February 26, 2010


JAMES WARE
United States District Judge